

MINUTES

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

W. HAROLD ALBRITTON, SENIOR U. S. DISTRICT JUDGE, PRESIDING, AT MONTGOMERY, AL

DATE COMMENCED: February 14, 2006 AT: 9:39 a.m.  
DATE COMPLETED: February 14, 2006 AT: 10:11 a.m.

UNITED STATES OF AMERICA )  
vs. ) CR. No. 2:05cr131-WHA  
TINKIEWON LASHUA BERRY )

APPEARANCES:

GOVERNMENT

Todd A. Brown

DEFENDANT

Keith Ausborn

COURT OFFICIALS PRESENT

Jimmy Dickens, Court Reporter  
Elna Behrman, Courtroom Deputy

Doug Mathis, USPO  
Chris Puckett, Law Clerk

COURTROOM PROCEEDINGS

**(X) SENTENCING HEARING**

Sentencing commences.

The parties have reviewed the presentence report and have no objections.

The court orally GRANTS the Government's Motion for Reduction in Criminal Offense Level (Doc. #98).

The court takes up the Government's Motion for Downward Departure (#97).

The Government substantiates its facts supporting its Motion for Downward Departure.

The Defendant's attorney argues his Motion for Various Relief (Doc. #104) and requests the Defendant be allowed to self-surrender and be designated for Maxwell along with requesting drug abuse treatment.

Government responds to Defendant's motion.

The motion (Doc. #104) is GRANTED in part and DENIED in part. Court will recommend drug abuse treatment but states it is not within the court's discretion to recommend a particular facility to the Bureau of Prisons; court also finds that the Defendant must be detained.

The court orally GRANTS the Government's Motion for Downward Departure (Doc. #97).

Court hears from the Defendant's mother and father.

Sentence is stated.

No objections to sentence.

Sentence is imposed as stated.

Defendant waives his right to appeal.

Defendant is re-committed to the custody of the U. S. Marshal.